

Alcohol Technical Licensing Group (ATAG) II
Board Identified Issues

	A	B	C	D	E	F	G
1		City of Atlanta Code of Ordinances	Issue (brief statement of the matter)	Explanation (full description of the problem, correction, challenge etc., so that someone not familiar with the issue will understand it)	Potential resolution (describe the method through which the issue could be resolved, addressed, corrected etc.)	How achieved (describe who will be responsible for taking the action(s) described in "potential resolution".)	Issue Type
2		1 Sec. 10-48(e)	Provide sufficient guidance on role of Neighborhood Planning Units (NPU's).	Ensure the City's Alcohol Code reflects the reality of what neighborhoods can actually do when it comes to influencing/impacting the issuance of beer, wine and/or liquor licenses. Make this clear to communities so they can be more effective in addressing the issues associated with owners of such licenses.	City attorney to review section 10-48 with APAB; Add language of 10-48 to NPU Report Form	City attorney's office and city APAB staff	Application
3		2 Sec. 10-48(f)	Timeliness of the NPU process.	Often NPUs will refer the license application to a Public Safety sub- committee for review and recommendation.	City attorney to review section 10-48 (60 day/1 meeting limitation) with APAB; Add 10-48 to NPU Report Form	City attorney's office and city APAB staff	Application
4		3 Sec. 10-48; 10-75	Revise and streamline the application process.	The application is long, confusing and does not reflect the language of the Code of Ordinances. The application must be clearly reflect the language of the code. It also requires too much time on the part of both the License & Permits Unit as well as the applicant.			Application
5		4 Not addressed	License applicants should be should be fully knowledgeable of the relevant Code.	During License Review Board meetings applicants are simply asked if they are familiar with the Code and perhaps one or two other questions. This is not sufficient to demonstrate a true understanding of the Code.	Applicants for alcohol licenses should be tested for their understanding of the City's Alcohol Code.		Application
6		5 Sec. 10-106	Tighten the license renewal process.	The license renewal process should review for violations/citations/911 calls during the prior year.			Application
7		6 Sec. 10-48	Application info is not easily available.	Application information is not available on-line and has to be requested of the APD. APD records are all paper based and are not easily accessible to staff or to the public.			Application
8		7 Sec. 10-48	Application status is not available.	Once an application is under review, there is no mechanism through which an applicant or the public can track the review process and status of the different stages of the review.			Application
9		8 Not addressed	Applicant knowledge	Applicant is not required to demonstrate knowledge of the ordinance. There should be an objective measure of the applicant's knowledge of the ordinance, demonstrated at the time of application of the license, and perhaps periodically every X years after that.			Application
10		9 Sec. 10-56; 10-57(4)	Limited background checks.	Background checks are run only on the applicant/agent and not on all of the persons involved with the ownership of the business. Not clear whether background checks of violations in other jurisdictions are also considered as part of background check or renewal process. Mike Sard: This is not so. 100% of ownership interest of private companies are identified and when individuals, are subjected to criminal background investigations.			Application
11		10 Sec. 10-61	Unclear from application whether applicant applying for full year or half year license		APD to add check box to page 1 of application indicating whether license is for 7 -12 months or 1 - 6 months		Application
12		11 Not addressed	Recommend that NPUs be notified of failure to renew instances in their NPU.				Application

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13	12	Sec. 10-48	No quality control on the completeness of the application before it is sent to the NPU. Incomplete or incorrect applications a provided to NPUs for review. NPU then has to spend a lot of time getting missing information or correcting incorrect information. Results in frustration and time delays.				Application
14	13	Sec. 10-106	Failure to renew should for the applicant to start the process anew.				Application
15	14	Not addressed	Recommendation that for a new licensee, there should be a probationary license period for the first year of the license, with stronger consequences if there is a violation of the ordinance during that time period, such as, for example, immediate loss of license. Any violation of the ordinance after the first year would automatically place the license on probation for a period of a year, with stronger consequences if there is a violation of the ordinance during the probationary period, such as mentioned above.				Application
16	15	Not addressed	Strong support for having an online database of application information, for the portions that can be made public, and for there to be an online tracking of the progress of an application.				Application
17	16	Sec. 10-106	Annual renewal should not fall at the end/beginning of the calendar year, but should be the anniversary date on which the original license was issued. This would alleviate the end of year renewal backlog, and would allow NPUs to be part of the renewal process, since they would be spread out through the year.				Application
18	17	Not addressed	Lack of enforcement of Chapter 10 violations.	License and Permits Unit does not have enough staff to vigorously surveil, identify and cite violators. As a result, problem locations grow into loci of criminal and/or nuisance activity.	City council resolution requesting Mayor Reed to add police officers to APD licenses and permits unit	Resolution from City Council Public Safety Committee	Enforcement/Operational
19	18	Not addressed	Alcohol servers should be fully knowledgeable of the relevant Code.	Servers without a proper and thorough knowledge of the Alcohol Code endanger the public, the establishments' customers and the holder of the alcohol license.	Individuals serving alcohol should be tested for their understanding of the City's Alcohol Code.		Enforcement/Operational

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20	19	Sec. 10-55; 10-57; 10-109	Clarify Code as pertains to due cause and denial provisions.				Enforcement/ Operational
21	20	Not addressed	City departments are understaffed.	The City Solicitor and APD License & Permit Unit need staffing increase to adequately administrate, enforce and prosecute cases.	City council resolution requesting that Mayor Reed direct resources to these offices		Enforcement/ Operational
22	21	Not addressed	Clarify use of license fees.	Are the license fees charged to applicants being used solely for the licensing process.	Review police department budget		Enforcement/ Operational
23	22	Not addressed	Consistency between regulation and enforcement.				Enforcement/ Operational
24	23	Not addressed	No audit function.	There is no internal or external audit function associated with the issuance and renewal of alcohol licenses.			Enforcement/ Operational
25	24	Sec. 10-75; 10-126; 10-127	Temporary permits	No notification provided to NPU when temporary permit is applied for/issued. Renee: No formal process other than the Police Chief approving the license. No individual should have power to approve license without supporting evidence of applicant's business practices/community input. Mike Sard: Such licenses are revocable without cause and only used for previously licensed establishments. Temporary license must be for same type of business as former license			Enforcement/ Operational
26	25	Sec. 10-106	Tighten the license renewal process		All licensed establishments with more than 2 calls for service in the previous 12 months shall automatically be sent before LRB. Mandatory notification of the NPU and Councilmember of the upcoming LRB date.		Enforcement/ Operational
27	26	Not addressed	Under-reporting of violations in businesses holding alcohol licenses.	For example, in situations where a business holds a restaurant liquor license and does not maintain a functioning/stocked kitchen.	Develop a system allowing building/health inspectors to easily report obvious violations to the License and Permits Department.		Enforcement/ Operational
28	27	Sec. 10-109(12)	Hold license owners more accountable for the violence/trash/crime/noise that takes place in their parking lot and surrounding area.	At this time license owners can avoid accountability for violence that starts inside their business by simply pushing it out onto the street or into the parking lot.			Enforcement/ Operational
29	28	Not addressed	Fines issued by the Solicitors Office do not discourages violations.		Increase the amount of fines issued by the Solicitors Office to an amount which discourages violations.		Enforcement/ Operational
30	29	Not addressed	Hold property owner accountable for actions of those alcohol license-holders leasing from them.				Enforcement/ Operational
31	30	Not addressed	APD officers working second jobs in alcohol licensed establishments should carry ticket books so they can issue citations.				Enforcement/ Operational

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32	31	Not addressed	LRB is driven by generating alcohol license revenues for the City and not making the best decision for the neighborhoods				Enforcement/ Operational
33	32	Not addressed	Enforcement of licence violations is not adequate, and is being overridden by need to generate revenue from license fees				Enforcement/ Operational
34	33	Sec. 10-109	Due cause criteria inadequate and/or ineffective.	Criteria listed are inadequate and/or poorly worded making interpretation subjective. Enforcement of the listed criteria is not taking place.			Policy
35	34	Sec. 10-224; 10-1	Add language to the code stating that any establish charging an entrance fee of any type cannot be considered a restaurant.	There is a rash of applicants who apply for the much less expensive restaurant license but essentially function as a nightclub after opening.			Policy
36	35	Article 2; Sub II; Location Restrictions	Disproportionate number of licensed locations in certain parts of the City. Create rule that governs/limits the number of licensed locations in a neighborhood as a function of the population size of an area or neighborhood				Policy
37	36	Article 2; Sub II; Location Restrictions	Separation distances need to be done differently as there are too many stores too close together at present. Sometimes there is one store on each of the four corners of a major intersection				Policy
38	37	Not addressed	A disconnect between land use/zoning of a proposed location and the application i.e. license applications are being made for locations where the zoning does not allow for licensed business				Policy
39	38	Not addressed	Ordinance language needs to be reviewed and modified to be consistent with current case law rulings.	The language of the ordinance cannot be in conflict with Court decisions that have been handed down since the ordinance was last updated. One example of this need for updating comes through the Marietta vs Goldrush case, which addressed the property owner's right to an alcohol license.	Identification of conflicting language and then editing/correction of conflicting language.	Law Dept and License & Permits to undertake review of ordinance to identify conflicting language. Law Dept to bring forward recommendations to address conflicting language.	Policy
40	39	Not addressed	Should permit/pouring licenses be required.			Research how neighboring jurisdictions implement such permits.	Policy

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41	40	Not addressed	Language in ordinance needs improvement to remove ambiguity and to increase clarity - various clauses.	There are a number of clauses in the ordinance that need to be reworded to better express the intent of the ordinance.			Policy
42	41	Not addressed	No training or certification requirements for alcohol servers.	Ordinance does not establish any minimum training or certification standards for bartenders or waiters/waitresses who serve alcohol.			Policy
43	42	Sec. 10-66; 10-109	Role of the LRB	Function of LRB does not add any value to the license review and approval process. Function is purely administrative for the majority of license applications. For those situations where an application is being contested, the LRB process does not achieve an equitable balance of community and applicant interests.			Policy
44	43	Sec. 10-66; 10-109	Role of the Mayor	Role of Mayor's office in giving final approval to alcohol licenses does not add any value to the review and approval process.			Policy
45	44	Not addressed	License categories do not reflect actual practice at licensed locations.	Locations that operate as restaurants and then switch to being bars later at night put pressure on neighborhoods with increased noise, trash, parking and other quality of life impacts.			Policy
46	45	Not addressed	Inconsistent administration of the license review process between NPUs.	The review and comment process varies from one NPU to the next with no consistent approach or decision making tools being used across the City.			Policy
47	46	Not addressed	Capacity of License & Permits to properly administer the alcohol license program.	Limited staff, limited resources and complicated workflow processes make the process of applying for and obtaining a license a challenging one for business owners.			Policy
48	47	Not addressed	Applicants pay for either a one year or a six month license, with no option for smaller initial license increments.	If an applicant submits an application for a license during months 1 through 5, they have to pay for a 12 month license. If an applicant submits an application for a license during months 6 to 12, they have to pay for a 6 month license. There is no option to pay a license fee based on just the number of months remaining in the calendar year.	Amend alcohol code to allow monthly proration of license fee.		Policy

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49	48	Not addressed	Excessive cost of legal advertisement of alcohol license applications in Atlanta Journal Constitution (typically \$1600 - \$2100)	Fewer people read newspapers. The cost is excessive. AJC has moved out of Atlanta.	Legislation for alternative means such as Fulton County Daily Report or posting on City of Atlanta website. Consider eliminating requirement as License Review Board agenda is published on the City of Atlanta website.		Policy
50	49	Not addressed	Practice of Bring Your Own Bottle (BYOB) to businesses	Some businesses that hold alcohol licenses permit customers to bring their own alcohol. The alcohol code identifies businesses that allow guests to BYOB to be "bottle houses" and requires that a bottle house license issue. However, the City of Atlanta has not granted a "bottle house" license in many years.	Adopt a law to permit BYOB at businesses licensed for on premises consumption without requirement for additional licensing	Public Safety Committee to introduce law at suggestion of ATAG	Policy
51	50	Not addressed	City of Atlanta does not have a law that authorizes catering of alcohol, although authorized by state law	State law empowers local governments to adopt laws to allow retail licensees to cater alcoholic beverages off premises. The City of Atlanta does not have such an ordinance. Instead on premises consumption licensees may apply for no more than 2 special event licenses each calendar year. The 2 event limit restricts the ability of licensees to lawfully cater events. Also, special event licenses are expensive (\$500 per day) and require much advance planning (application to be filed at least 30 days in advance of the event). Businesses who abide by the law lose out on business opportunities to those caterers who cater functions without an alcohol license. Also, the public is at risk because non-licensees are catering events with alcohol in the city of Atlanta.	Adopt a catering alcohol license in accordance with state law.	Public Safety Committee to introduce law at suggestion of ATAG	Policy
52	51	Sec. 10-127	City of Atlanta non - profit special event law does not conform to state law	State law authorizes non-profits to hold as many as six (6), three (3) day event each year. The city code authorizes only six (6), one (1) day permits	Amend existing law in accordance with state law	Public Safety Committee to introduce law at suggestion of ATAG	Policy
53	52	Sec. 10-82.1; 10-86; 10-88	Unlike other local governments, the City of Atlanta does not have a mechanism to create exemptions to the distance requirements in the alcohol code short of the creation of new laws.	As in Cobb County and Athens Clarke County, create a process for applicants to request and for the City of Atlanta to evaluate a process to waive distance requirements for alcohol licenses.	Amend existing law.	Public Safety Committee to introduce law at suggestion of ATAG	Policy
54	53	Sec. 10-82.1; 10-86; 10-88	Relax distance requirements for boutique distilled spirits package shops	There has been a growth of craft distilleries in the U.S. Small neighborhood stores, like wine specialty shops, would allow the growth of this sector of the market and encourage walkable, live, work and play neighborhoods	Amend existing law. Still subject to state law.	Public Safety Committee to introduce law at suggestion of ATAG	Policy
55	54	Sec. 10-226	End prohibition against selling reduced price drinks up to 1/2 normal price	In a challenging economy, this will facilitate more traffic at dinner time in local establishments. Practice allowed in some metro Atlanta cities/counties. Many businesses illegally offer 1/2 priced bottles of wine in the City of Atlanta. Legalizing this practice will create a level playing field between businesses	Amend existing law.	Public Safety Committee to introduce law at suggestion of ATAG	Policy
56	55	Sec. 10-3	Tailgate parties and other private functions at locations for which business licenses are issued are prohibited without an alcohol license	Venues too small to be convention centers where family reunions, weddings, etc. are held allowed guests to BYOB for private functions. Alcohol was not sold at these functions. City law adopted 8/2011 requires such functions to be licensed. This is not cost effective for small businesses. Law prohibits Falcons tailgate parties in pay parking lots with alcohol at Falcons games.	Amend existing law to assure that desired harm - unauthorized parties for pay - are regulated while truly private functions can continue		Policy

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57	56	Sec. 10-60	Additional facility alcohol license fees are excessive and nonsensical	Cost of additional facility license is equal to cost of an annual license. City does not need 2x the fee to regulate alcoholic beverages at such businesses. Regardless of size/capacity , requirement of an additional facility license is determined by visibility of 2 points of sale from one another. A 20,000 sq ft one story space w/ 10 bars and capacity for 1,500 pays 1 annual license fee, typically \$5,000. A 2 story 1,000 sq ft building with capacity of 60 and a bar on each floor pays 1 annual license fee, typically \$5,000 + 1 additional facility license fee of \$5,000 for a total of \$10,000.	Create license pricing and # of licenses based on capacity of business or dramatically reduce the price of additional facility licenses.	Public Safety Committee to suggest new law at suggestion of ATAG	Policy
58	57	Sec. 10-66; 10-67	Time of receipt of alcohol license should be more predictable and less dependent upon the mayor's schedule	While current law authorizes the Mayor to issue alcohol licenses based on building plans submitted to and approved by the Bureau of Building, Fire Department, etc. at the conclusion of the filing/NPU/LRB process, the Mayor routinely does not exercise this authority. Once the applicant completes the filing process and then completes construction i.e., receives C.O., food service permit and fire department final approval, only then does the Mayor consider the application based on her/his schedule. After a licensing process of many months, it is frustrating for a licensee, who has trained staff, marketed its opening and is paying various expenses without revenue, to wait for Mayoral approval.	Amend the law to allow Mayor to approve licenses "subject to final inspection" for prompt consideration of applications and in such cases, authorize the business license office to issue the alcohol license upon receipt of the C.O., food service permit and final fire approval. This will allow for more orderly openings of business and alleviate stress in the licensing process.		Policy
59	58	Sec. 10-113	Grandfathering allows a business to forever remain non conforming to updated city zoning. This negates the city's comprehensive development plan indefinitely.	When business owners sell nonconforming use businesses, the nonconforming use is grandfathered, allowing new owner to continue noncompliance. For example, a nightclub in an area rezoned for neighborhood commercial and failing the distance requirements from single family homes. Years after the rezoning, the nightclub has changed owners multiple times but the grandfathered use continues and is incongruent with surrounding uses.	Remove grandfather option for businesses with alcohol licenses.	Public Safety or Zoning Committee to introduce law	Policy
60	59	Not addressed	Due Cause Violations (Section 10-109).	Many due cause violations are not enforced by L&P or LRB. Legal Dept. says they are not enforceable. Our alcohol code should be written so that they are enforceable. (This is different from the "Lack of Enforcement of Chapter 10 Violations." It may be the reason for some of "Lack of Enforcement")	Review all due causes in current code and rewrite them to make them enforceable. Make sure that the due cause section of code properly protects surrounding communities.	Public Safety or Zoning Committee to introduce law	Policy
61	60	Not addressed	APD officers working as security guards in Atlanta restaurant/bar/nightclub should not be allowed to answer 911 pertaining to their employer.	Creates a conflict of interest for the officer and may prevent crime from being properly reported and recorded.			Policy
62	61	Not addressed	Practice which allows for any portion of a beverage to be considered part of food sales.	Currently, beverage garnishes, like lemons and cherries, can be recorded as food sales at a disproportional percentage of the overall beverage price. This allows business to unfairly tweak their food to beverage sales to qualify for a restaurant liquor license.	Define such food items differently.	Legislation	Policy
63	62	Not addressed	Liquor license fee structure should adequately funds the cost of enforcement and oversight.				Policy
64	63	Sec. 10-75; 10-126; 10-127	Eliminate temporary licenses				Policy

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